IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION NO.367 OF 2004

Hemant Ramkrishna Sharma ...Petitioner

vs.

The State of Maharashtra
(Rabale P.stn. Dist.Thane) ...Respondent

Mr.A.A.Mundargi i/b. M/s.V.T.Siphahimalani & Co, for Petitioner.

Mr.K.V.Saste, Addl.P.P. for State.

CORAM: A.M.Khanwilkar, J.

DATED: 23rd September,2004

P.C.:-

1. Heard Mr.Mundargi, learned Counsel for the Petitioner. The only grievance made before me is that the Court below has discarded substantial part of the prosecution case and the complainant's version. If it is so, it was not open to the Court below to convict the Petitioner on the basis of remaining allegations, but the Court below ought to have discarded the entire evidence. I find no substance in this submission. Two courts below have examined evidence on record. Merely because some portion of evidence of the complainant version is not accepted, it does not mean that no conviction can be

recorded. The courts below have accepted the part of

the complainant's version which is sufficient to bring home the guilt. If this is so, it is not a fit case for interference in the exercise of revisional jurisdiction.

2. Mr.Mundargi, Learned Counsel for Petitioner lastly submits that at least the Court may show indulgence on the point of sentence. I find no reason to depart from the view taken by two courts below and as the sentence imposed is of only Six months simple imprisonment and fine of Rs.5000/- in default to suffer simple imprisonment for three months, it is not a fit case for interference in the exercise of revisional jurisdiction. Application is disposed of.

23.9.2004 (A.M.Khanwilkar,J)